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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,524	02/13/2004	Yong-Kuk Yun	8054-38 (LW9081US/CS)	8916
22150	7590	04/27/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			TADASSE, YEWEBDAR T	
			ART UNIT	PAPER NUMBER

1734

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,524

Applicant(s)

YUN ET AL.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-11 and 21 rejected under 35 U.S.C. 102(b) as being anticipated by EP 0754553.

With respect to claim 1, EP'553 discloses (see Fig 24) an apparatus for forming an organic layer on a substrate (a color filter manufacturing apparatus), having a spraying device comprising a plurality of head units (ink-jet heads 120a, 120b, 120c) forming in a corresponding row, wherein each head unit includes at least one head (a head) having spraying nozzles (108); and is shifted a horizontal distance from a previous head unit (see arrows horizontal movements of the heads in Fig 24).

As to claim 3, EP'553 discloses a stage (stage 22, see Fig 11) that supports the substrate.

As to claim 4, EP'553 discloses (see column 23, line 49) a storage tank (ink supply side) tat stores organic material provided to the spraying device.

As to claim 6, EP'553 discloses (see column 23, line 46) an inkjet head using a piezoelectric device (pressurizing elements).

As to claims 7-8, EP'553 discloses (see Fig 18) ink-jet heads inclined (tilted) at predetermined angle 31.672° being in the range of about 0° to about $\pm 89^\circ$ with respect to a side of the substrate.

As to claim 9, EP'553 discloses (see Fig 16) a transferring device (CPU 50 in communication with motors 56, 58 and 59) that transfer the stage (22) in a first printing direction and a second printing direction that is opposite to the first printing direction and a third direction that is perpendicular to the first printing direction (a first scanning direction and a second direction perpendicular to the first).

As to claims 10-11, EP'553 discloses (see columns 27-28, starting line 58) a fixed spraying device or the stage is fixed while the spraying devices moving in directions X or Y.

With respect to claim 21, EP'553 discloses (see Fig 19) spraying nozzles (108) arranged in a line.

3. Claims 1, 3-9 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Kawase et al (US 6,660,332).

As to claim 1, Kawase et al discloses (see Figs 1-4) an apparatus for forming an organic layer on a substrate (an apparatus for making color filter), having a spraying device comprising a plurality of head units (ink-jet heads 22a-22k) forming in a corresponding row, wherein each head unit includes at least one head (a head) having spraying nozzles (27); and is shifted a horizontal distance from a previous head unit (see a scanning distance δ in the scanning direction Y).

As to claim 3, Kawase et al discloses a stage (table 49, see Fig 8) that supports the substrate.

As to claim 4, Kawase et al discloses (see Fig 16) a storage tank (ink supply units 37) that stores organic material provided to the spraying device.

As to claim 6, Kawase et al discloses (see column 25, lines 29-33) an inkjet head using a piezoelectric device.

As to claims 7-8, Kawase et al discloses (see Fig 1 for an angle θ) ink-jet heads inclined at predetermined angle (capable of being in the range of about 0° to about $\pm 89^\circ$) with respect to a side (second scanning direction) of the substrate.

As to claim 9, Kawase et al discloses (see Fig 8) a transferring device (substrate position controller 18) that transfer the stage (table 49) in a first printing direction and a second printing direction that is opposite to the first printing direction and a third direction that is perpendicular to the first printing direction (a first scanning direction and a second direction perpendicular to the first).

Regarding claim 21, Kawase et al discloses (see Figs 1-4) spraying nozzles arranged in a line (see nozzle line 28).

4. Claims 1-9 and 19-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Kawase (US 2003/0186613).

Regarding claims 1-2 and 19-20, Kawase discloses (see Fig 9) an apparatus for forming an organic layer on a substrate (an apparatus for making color filter), having a spraying device comprising a plurality of head units (droplet ejection unit 25A, 25B and

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25C) forming in a corresponding row, wherein each head unit includes at least one head (22) having spraying nozzles (27); and is shifted a horizontal distance from a previous head unit (different positions of the ejection Units P21-P26). Kawase further discloses (see Fig 9 and paragraph 158) each head unit comprising a plurality of heads (22) alternatively disposed in first and second sub rows to form a zigzag pattern on the head unit (25).

As to claim 3, Kawase discloses a stage (table 49, see Fig 16) that supports the substrate.

As to claim 4, Kawase discloses (see Fig 1) a storage tank (ink supply units 37) that stores organic material provided to the spraying device.

As to claim 6, Kawase discloses (see paragraph 220) an inkjet head using a piezoelectric device.

As to claims 7-8, Kawase discloses (see Fig 1 for an angle θ) ink-jet heads inclined at predetermined angle of being larger than 0° and smaller than 90°) with respect to a side (scanning direction) of the substrate.

As to claim 9, Kawase discloses (see Fig 16, paragraphs 166-168) a transferring device (substrate position controller 18) that transfer the stage (table 49) in a first printing direction and a second printing direction that is opposite to the first printing direction and a third direction that is perpendicular to the first printing direction (a first scanning direction and a second direction perpendicular to the first).

Regarding claim 21, Kawase discloses (see Figs 1-4) spraying nozzles arranged in a line (see nozzle line 28).

With respect to claim 22, Kawase discloses (see Figs 9 and 16) an apparatus for forming an organic layer (an apparatus for making color filter), having a spraying device comprising a plurality of head units respectively disposed in first to nth rows, (droplet ejection unit 25A, 25B and 25C, see three rows on Fig 9), each head unit being shifted by a distance from a previous head unit (different positions of the ejection Units P21-P26), wherein each head unit including a plurality of heads having spraying nozzles (27); and a transferring device (substrate position controller 18) that transfers the substrate in a printing direction.

As to claims 23 and 24, in Kawase (see Fig 9 and paragraphs 41, 155 and 252) the spraying nozzles (27) are arranged in a line (nozzle line 28), and have a pitch between neighboring spraying nozzles. In Kawase the sum of the shifting distances (P21-P26) from the first row the nth (third) row is capable of being identical to the pitch.

With respect to claim 25, Kawase discloses (see Fig 9 and paragraph 158) each head unit comprising a plurality of heads (22) alternatively disposed in first and second sub rows to form a zigzag pattern on the head unit (25).

As to claim 26, in Kawase (see Fig 9) the first heads overlaps with adjacent second heads to maintain a uniform distance between droplets of the organic material.

Regarding claim 27, in Kawase (see paragraphs 155, 206 and 209) the spraying device forms an angle with respect to the side of the substrate.

As to claim 28, in Kawase (see Fig 16 and paragraphs 166-168) a first printing direction and a second printing direction that is opposite to the first printing direction and

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a third direction that is perpendicular to the first printing direction (a first scanning direction and a second direction perpendicular to the first).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase et al (US 6,660,332) as applied to claim 9 above and further in view of EP 0754553. Kawase et al lacks teaching the spraying device is fixed or stage is fixed while the spraying device is moved in the printing directions. EP'553 discloses (see columns 27-28, starting line 58) a fixed spraying device or the stage is fixed while the spraying devices moving in directions X or Y. It would have been obvious to one of ordinary skill in the art at the time the invention was made to move either the stage or

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the spraying devices in Kawase et al to form the desired pattern of the organic material on the substrate.

8. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase (US 2003/0186613) as applied to claim 9 above and further in view of EP 0754553. Kawase lacks teaching the spraying device is fixed or stage is fixed while the spraying device is moved in the printing directions. EP'553 discloses (see columns 27-28, starting line 58) a fixed spraying device or the stage is fixed while the spraying devices moving in directions X or Y. It would have been obvious to one of ordinary skill in the art at the time the invention was made to move either the stage or the spraying devices in Kawase to form the desired pattern of the organic material on the substrate.

Response to Arguments

9. Applicant's arguments with respect to claims 1 and 3-11 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YTT


CHRIS FIORILLA
SUPERVISORY PATENT EXAMINER
Au 1734